Amendment dated 01/23/2006
Response to Office Action dated October 28, 2005

Application No. 10/018,062

REMARKS

Claims 1-19 are pending with this paper. Claims 1-19 are rejected. Applicant s amending claims 1, 10, and 11 and is canceling claim 20 without prejudice.

Applicant acknowledges withdrawal of the objection to claim 10.

Other Amendments

Applicant is amending claims 1, 10, and 11 to replace "correspon ling" with "corresponding to" in order to correct a typographical error.

Claim Rejections – 35 U.S.C. § 102

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,727,950 (Cook).

Regarding claim 1, Applicant is amending the claim to include the feature of "determining a second factor corresponding to a plurality of specified aspects of the response that includes a **correctness measure of the response and a delivery characteristi: measure associated with presenting the response by the user**" in order to clarify what is bein g claimed. (Emphasis added.) The amendment is supported by the specification as originally filed. For example, the specification discloses (Page 193, line 2 to page 194, lines 2. Emphasis added.):

> Feedback, similar to the questions and responses described above, may be delivered in various forms of multimedia including without limitation, text, auc io, video, animation, virtual reality and real-time audio and video. The necess ry feedback required is calculated by a combination of factors such as stude it's overall progress through the simulation and various aspects of student's spec fic response to the question including: **correctness** as objectively compared to the prerecorded responses; **voice volume, speed and stress levels**; other aspects A degree of correctness or a congruency factor is determined from these functic ns. External evaluators can also evaluate any or all of these factors and other factc rs. The external evaluators or the ICAT without the external evaluators' assistai ice may then direct the feedback required. The combination of the ICAT and a ny external evaluators makes up a "virtual director engine." External evaluators (an include domain experts and other inputs external to the simulation that (an provide inputs to the simulation.

As claimed in claim 1, a level of congruency is determined from a correctness of the response from the user and from a delivery characteristic of the response (e.g., voice volume, speed, and

6

stress levels) that is presented by the user. Applicant included a similar feature in claim 20, which depended from claim 1, and is consequently canceling claim 20 without prejudice.

The Office Action alleges that Cook teaches (Page 4, section 6):

> Regarding claim 20, The method of claim 1, wherein one of the plurality of specified aspects includes a delivery characteristics associated with the response from the user [see C 5, L 46-55].

Cook discloses (Column 5, lines 46-55. Emphasis added.):

> In a preferred embodiment of this invention, diverse **agent behaviors** are handled uniformly by a single means. The diverse behaviors include encourage and feedback, providing meta-cognitive help on ongoing instruction, managing or controlling and individualizing computer based instruction to the student's learning modes, and assistance with assignment management. Theses diverse behaviors are selected from a set of potentially appropriate candidate behaviors. This set of candidate behaviors is ordered and the highest ranked behaviors are chosen.

Cook merely discloses behaviors manifested by an <u>agent</u> (which is defined in Cook as being agent software together with data it references executing in an ABI system, col. 9-lines 18-19) and does not even suggest "a delivery characteristic measure associated with presenting the response by the user."

Applicant is amending claim 10 to include a similar feature of "logic that determines a second factor corresponding to a plurality of specified aspects of the response that includes a correctness measure of the response and a delivery characteristic measure associated with presenting the response by the user." Also, Applicant is amending claim 11 to include the feature of "a code segment that determines a second factor corresponding to a plurality of specified aspects of the response that includes a correctness measure of the response and a delivery characteristic measure associated with presenting the response by the user." Thus, claims 10 and 11 are patentable of at least the above reasons. Moreover, claims 2-9 and 12-19 ultimately depend from claim 1 and 11, respectively, and are not anticipated for at least the above reasons. Applicants request reconsideration of claims 1-19.
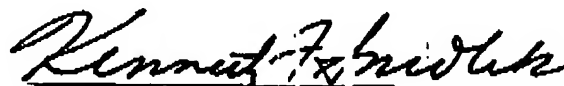
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All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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8